REMARKS

In the Office Action dated November 1, 2006, claims 1-3, 5-13, 19, and 25 were rejected under 35 U.S.C. § 112, ¶ 2; claims 1-3, 5-13, 19, and 25 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,727,146 (Savoldi) in view of U.S. Patent No. 6,744,767 (Chiu) and U.S. Patent No. 6,944,673 (Malan); and claims 2-3 were rejected under 35 U.S.C. § 103 over Savoldi in view of Malan, U.S. Patent No. 6,928,082 (Liu), and Chiu.

It is unfortunate that the previous indication of allowance of all of the pending claims has been withdrawn by the Examiner. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112, ¶ 2

Independent claims 1, 7, 19, and 25 were rejected as being "vague and indefinite" because the Office Action asserted that the term "'type' extends the scope as to render it indefinite." 11/1/2006 Office Action at 2. No explanation was provided regarding why the term "type" used in the context of the claims would cause the claims to be indefinite. As stated by the M.P.E.P., "[b]readth of a claim is not to be equated with indefiniteness." M.P.E.P. § 2173.04 (8th ed., Rev. 5), at 2100-213. As further stated by the M.P.E.P., "the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and therefore, serves the notice function required by 35 U.S.C. § 112, second paragraph...." M.P.E.P. § 2173.02, at 2100-211. As additionally provided by the M.P.E.P., if the Examiner concludes that a rejection under § 112, paragraph 2, is to be raised, then the Examiner is obligated to provide "an analysis as to why the phrase(s) used in the claim is 'vague and indefinite'...." M.P.E.P. § 2173.02, at 2100-212. The present Office Action has not provided any type of analysis regarding why the term "type" used in the context of the claims would be indefinite.

In fact, the specific language of claim 1 is as follows: determining whether the data unit contains an identifier of a codec type that matches a stored codec type. The term "codec type" is well supported in the specification. For example, in the specification on page 16, starting at line 28, various different types of codecs according to some examples are listed. In line 30 of page 16 of the specification, a G.711 codec is mentioned. Other codecs mentioned on page 17 at lines 1-2 of the specification include G.728, G.729A, G.729, G.723.1, and G.722. Thus, a person of ordinary skill in the art would clearly understand what the term "codec type" refers to in the

claims. Codecs are well understood by persons of ordinary skill in the art, and such persons understand that there are various different types of codecs available. Therefore, the use of the term "codec type" in the claims does not render such claims indefinite.

Withdrawal of the § 112, ¶ 2, rejection is therefore respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Independent claim 1 was also rejected as being obvious over Savoldi, Chiu, and Malan. In the rejection of claim 1, no mention whatsoever is made with respect to the following elements of claim 1:

> determining whether the data unit contains an identifier of a *codec type* that matches a stored *codec type*; and
> indicating occurrence of an attack of the first network in response to determining that the identifier is of a *codec type* that does not match the stored *codec type.*

In the rejection of claim 1, the Office Action made absolutely no reference at all to "codec type" as recited in claim 1. It appears that the Office Action has just completely ignored this explicit element of claim 1. Just because the Office Action considers the term "type" to be indefinite does not mean that the Office Action should ignore explicit claim elements. For at least this reason alone, the obviousness rejection of claim 1 is clearly defective.

Moreover, it is clear that the hypothetical combination of Savoldi, Chiu, and Malan does not teach or suggest all elements of claim 1. None of the references, Savoldi, Chiu, and Malan, even uses the word "codec." Therefore, none of the references teaches or suggests determining whether the data unit contains an identifier of a codec type that matches a stored codec type, and indicating occurrence of an attack of the first network in response to determining that the identifier is of a codec type that does not match the stored codec type.

Savoldi refers to training, according to IEEE 802.12, a network device, in which network access by the network device is allowed by monitoring the source address of packets that are sent as the network device tries to train into a network. Savoldi, 1:63-67. Chiu describes a resource reservation system that checks to determine if sufficient bandwidth resources are available along a data flow pathway requested by a customer for a particular class of service. Chiu, 2:21-24. Malan discloses a denial-of-service tracker that has a collector to take samples of statistics. However, none of these references even remotely suggest determining whether the data unit contains an identifier of a codec type that matches a stored codec type, and indicating the

occurrence of an attack of the first network in response to determining that the identifier is of a codec type that does not match the stored codec type.

Since the hypothetical combination of the references fail to teach or suggest all elements of claim 1, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 1.

Similarly, with respect to independent claim 19, the hypothetical combination of the cited references fails to teach or suggest a system to determine if each incoming packet has a predetermined pattern by checking if each incoming packet has an indication of a predetermined *codec type*. With respect to independent claim 25, the hypothetical combination of the references fails to teach or suggest storing a *codec type* for a communications session, and denying entry of an incoming data unit if the incoming data unit does not contain an indication of the *codec type*.

Thus, it is clear that a *prima facie* case of obviousness has also not been established with respect to independent claims 19 and 25.

Independent claim 5 was also rejected as being obvious over Savoldi, Chiu, and Malan. However, the rejection of claim 5 also failed to address specific language of claim 5, in particular the following clause of claim 5:

> determining, by a protocol filter, if the data unit contains a payload according to a predetermined protocol, and denying, by the protocol filter, entry of the data unit if the data unit does not contain payload according to the predetermined protocol.

The Office Action cited Savoldi as disclosing the indicating of an occurrence of an attack in response to determining the identifier of an "allow/request configuration field," citing to Figure 4 and column 3, lines 58-63. 11/1/2006 Office Action at 3. This cited passage in column 3 of Savoldi refers to training frames that are used for training a network device. The Office Action cited Chiu as disclosing the denial of entry of data units in response to detecting that a rate of incoming data units exceeds a threshold value. 11/1/2006 Office Action at 4. The Office Action further cited Malan as providing a "profiling scheme by protocol filter and security action of generating a report that an attack is occurring." 11/1/2006 Office Action at 5. Specifically, the Office Action cited column 2, lines 5-16, of Malan, which refers to a stateful inspection that tracks a transaction to verify that a destination of an inbound packet matches the source of a previous outbound request. According to Malan, this is accomplished by examining multiple

layers of a protocol stack to enable blocking at any layer or depth. However, examining the protocol stack, including the data, to enable blocking at any layer or depth is different from determining, by a protocol filter, if the data unit contains *a payload* according to *predetermined protocol*, and denying, by the protocol filter, entry of the data unit if the data unit does not contain the payload according to the predetermined protocol. Therefore, since the hypothetical combination of the references does not teach or suggest all elements of claim 5, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 5.

Independent claim 7 was also rejected as being obvious over Savoldi, Chiu, and Malan. With respect to amended independent claim 7, the hypothetical combination of the references fails to teach or suggest storing profile information for a *telephony call session* and determining if an unauthorized access of the first network is occurring based on the profile information (for the telephony call session). The denial-of-service tracker of Malan does not store such profile information for a telephony call session. Thus, the Malan system does not determine if an unauthorized access of the first network is occurring based on the profile information for the telephony call session. In view of the foregoing, it is clear that a hypothetical combination of the references also fails to teach or suggest all elements of claim 7.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims, the obviousness rejection of dependent claims 2-3 over Savoldi, Malan, Liu, and Chiu has also been overcome.

Allowance of all claims is respectfully requested. No fee is believed due. However, the Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0100US).

Respectfully submitted,

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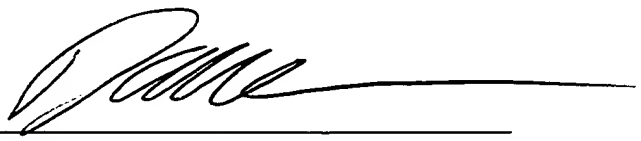

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